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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF UTAH  
SOUTHERN DIVISION**

In re:  RUSSELL CARTER FELLER and JANELL KAYE FELLER,  Debtors.	Case No. 17-29673  Chapter 13  Hon. William T. Thurman  <i>(Confirmation Hearing: February 8, 2018)</i>
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**CHAPTER 13 TRUSTEE'S MOTION TO DISMISS UNDER 11 U.S.C. § 1307(c)  
BECAUSE UNSECURED DEBT EXCEEDS CHAPTER 13 LIMIT**

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Lon A. Jenkins, Chapter 13 Trustee hereby moves for an order of dismissal because it appears that the Debtors do not qualify for Chapter 13 relief under the secured debt limits of § 109(e). In support thereof, the Trustee represents as follows:

**FACTS**

1. The Debtors filed the Chapter 13 petition for relief on November 6, 2017.
2. The bar date to file non-governmental proofs of claim is March 29, 2018 and for governmental proofs of claim on May 7, 2018.
3. The Debtors' plan has not yet been confirmed as the Confirmation Hearing is scheduled for February 8, 2018.

4. The Debtors' Schedules E/F list a total of \$257,885.20 in unsecured debt.
5. The total unsecured priority and general unsecured claims filed as of January 23, 2018 is \$465,728.18.
6. The Debtors have not checked the contingent, unliquidated, or disputed boxes on Schedules E/F.
7. The Debtors have not filed objections to any claims.
8. Specifically, the Debtors' Schedules E/F and filed unsecured claims exceed the secured debt limits of § 109(e).

### **ARGUMENT**

The Debtors' case should be dismissed because their secured debts exceed the debt limits of § 109(e). § 109(e) provides that "[o]nly an individual with regular income that owes, on the date of the filing of the petition, non-contingent, liquidated, unsecured debts of less than \$394,725 and non-contingent, liquidated, secured debts of less than \$1,184,200 may be a debtor under Chapter 13 of this title."

Based on the Debtors' Schedules and filed proofs of claim the Debtors are over the unsecured debt limits. Therefore it does not appear as though the Debtors are eligible to be debtors under chapter 13 relief.

THEREFORE, unless the Debtors establishes that they qualify for Chapter 13 relief under § 109(e), the Trustee moves for an order dismissing this case.

DATED: January 26, 2018.

/s/ Tami Gadd-Willardson  
Tami Gadd-Willardson  
Attorney for Chapter 13 Trustee

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on January 26, 2018 a true and correct copy of the foregoing paper was addressed to the following persons and deposited in the U.S. Mail, first-class postage prepaid.

RUSSELL CARTER FELLER  
JANELL KAYE FELLER  
885 N OLD FARMS RD  
DAMMERON VALLEY, UT 84783

LEONARD J. CARSON  
ECF NOTIFICATION

Michelle Moses /s/  
Office Chapter 13 Trustee